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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,649	06/27/2003	Roland E. Flick	0-03-123	8322

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,649

Applicant(s)

FLICK, ROLAND E.

Examiner

FREDRICK C CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,331,698 to Newkirk et al. in view of U.S. Pat. No. 5,634,225 to Miller et al.

Claim 1, Newkirk discloses a mattress comprising.

a mattress unit having at least a head section and a foot section, and capable of converting from a horizontal position or an inclined position to a chair-like conformation (col. 1 lines 11-15),

at least one inflatable bladder (37,38) in each section of the mattress unit,

at least one fluid source (col. 2 lines 33-38). Newkirk fails to disclose a self-contained mattress wherein a dispersion unit and a control system are in at least one section. Miller discloses a self-contained mattress (col. 4 lines 45-51) having a section with a control system 40 interconnected to a dispersion unit 70. It would have been obvious to one having ordinary skill in the art at the time of the invention to interconnect a control system to a dispersion unit within a section of the mattress as taught by Miller in order to provide a readily adaptable self contained modular support assembly.

Claims 2-4, wherein the at least one fluid source is ambient air. Ambient air inherently contains water moisture wherein an aqueous solution is defined as like or containing water thus ambient air is interpreted as an aqueous solution.

Claims 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,331,698 to Newkirk et al. in view of U.S. Pat. No. 5,634,225 to Miller et al., and further in view of U.S. Pat. No. 5,983,429 to Stacy.

Claim 5, Newkirk discloses all of the Applicant's claimed limitations except for the bladders capable of vibrating, rotating, and providing not direct percussion support. Stacy discloses a mattress a control system capable of vibrating, rotating, and providing not direct percussion support (col. 11 lines 4-34). It would have been obvious to one having ordinary skill in the art to employ a control system as taught by Stacy in order to provide percussive, vibration, and rotational therapy to a patient.

Claim 6, wherein the control system has an input unit 36 that allows an operator to input data to control at least the inflation and/or deflation of the inflatable bladders (Stacy).

Claim 7, wherein the input unit is interconnected to the control unit as an integrated component thereof (col. 12 lines 58-59)(Stacy).

Claim 8, wherein the input unit is interconnected to the control unit by a tethered electrical connection/cable line (col. 13 lines 25-27)(Stacy).

Claim 10, wherein the input unit has a board 228 that interconnects to the control unit (Stacy). Newkirk discloses the claimed invention except for a SIMM type daughter board. Various distribution boards are well known to provide an interface between input devices and control devices, and it would have been an obvious to one having ordinary skill in the art at the time of the invention to employ a SIMM type daughter board in order to interface the input devices with the control devices.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,331,698 to Newkirk et al. in view of U.S. Pat. No. 5,634,225 to Miller et al., U.S. Pat. No. 5,983,429 to Stacy and U.S. Pat. No. 6,483,264 to Shafer et al.

Regarding claim 11, Newkirk discloses all of the Applicant's claimed limitations except for the input unit transmitting a remote wireless signal to a receiver on the control unit, Shafer discloses an inflatable mattress having an input unit transmitting a remote wireless signal to a receiver on the control unit (col. 53 lines 28-68 and 1-39). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a remote wireless signal as taught by Shafer with the control system of Newkirk in order to allow the user to control the air within the bladders while lying on the mattress or in any other position in the vicinity of the control system.

#### ***Allowable Subject Matter***

Claims 12-17 are allowed.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

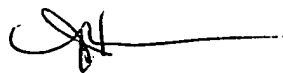
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



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